

REMARKS

In the Office Action, the Examiner rejected claims 31-47 under 35 U.S.C. §103(a) as being unpatentable over the Davies patent in view of the Ben-Ze'ev patent.

There are at least two reasons that claims 31-47 are not unpatentable over the Davies patent in view of the Ben-Ze'ev patent, lack of disclosure and lack of motivation for a combination of these references.

Lack of disclosure - Neither the Davies patent nor the Ben-Ze'ev patent discloses a host processor that determines which of a plurality of televisions do not transmit confirmation signals confirming that they have performed operational status changing functions commanded by host device.

The Examiner points to column 4, lines 17-44 of the Davies patent. However, this portion of the Davies patent merely states that, if the remote controller is not within range of the television, a signal is sent from the remote controller to the television and the remote controller provides feedback as to whether the control signal was received and the function was executed by the television.

As can be seen, this portion of the Davies patent does not disclose that the remote controller determines which of a plurality of televisions fails to provide a confirmation signal indicating that a function requiring a change in operational status was performed by the television. Indeed, the Davies patent does not disclose plural televisions and does not disclose any mechanism that would allow it to distinguish between plural televisions.

The Examiner also points to the following passages from the Ben-Ze'ev patent: (i) column 10, lines 49-65; (ii) column 11, lines 2-14; (iii) column 12, line 59 through column 13, line 20; and, (iv) column 13, lines 48-50.

As to passage (i), the Ben-Ze'ev patent states that the remote controller sends a signal asking a device to identify itself and the device sends its identification to the remote controller. As can be seen, there is no disclosure in this passage that the remote controller determines which of a plurality of devices fails to provide a confirmation signal indicating that a function requiring a change in operational status was performed by the device. Indeed, the request that a

device identify itself is not a command for the device to change its operational status.

As to passage (ii), the Ben-Ze'ev patent states that, if an identification signal from a device is not received, the icon or text of that appliance is removed from the screen. However, an identification signal does not confirm that the device has changed its operational status. Therefore, the remote controller cannot determine which of a plurality of televisions has failed to confirm that it has changed its operational status.

As to passage (iii), the Ben-Ze'ev patent states that the remote controller can send a status interrogating command to a specific appliance, and that the appliance responds by sending to the remote controller its status. However, the status interrogating command is not a signal requiring the appliance to actually change its operational status. Therefore, the return status indicating signal is not a signal confirming that the appliance has changed its status.

As to passage (iv), the Ben-Ze'ev patent states that an alert signal may be result in a message being displayed on the screen of the remote controller. An alert signal may indicate, for example, that a kettle has finished boiling the water. However, there is no

disclosure that the remote controller determines which of the devices does not send back an alert signal or that the alert signal confirms a change in operational status or even that the alert signal is in response to a command signal.

Accordingly, because neither the Davies patent nor the Ben-Ze'ev patent discloses determining which of a plurality of televisions fails to send a conformation signal indicating that it has responded to a command to change operating status, it would not have been obvious to one of ordinary skill in the art to combine these references to as the produce the inventions of claims 31-47.

Lack of motivation - The Examiner has failed to point out any motivation that would have led a person of ordinary skill in the art to combine the Davies patent and the Ben-Ze'ev patent so as to produce a remote controller that ascertains which of a plurality of televisions fails to return a confirmation signal that confirms a change in its operational status.

The Examiner seems to indicate that one of ordinary skill in the art would be motivated to combine Davies and Ben-Ze'ev in order to provide a user with the capability of remotely controlling a plurality of

televisions with a single remote control. However, surely, a user could control a plurality of remote televisions without receiving confirmation that the televisions have changed their operational status as commanded.

Accordingly, the Examiner has not established a *prima facie* case for obviousness.

Moreover, the Davies patent and the Ben-Ze'ev patent do not suggest a motivation that would have led the person of ordinary skill in the art to combine the Davies patent and the Ben-Ze'ev patent so as to produce the inventions of the rejected claims.

Instead, the Davies patent merely discloses that a television provides feedback to a remote controller indicating that the television has executed a function, but the television provides the remote controller no way to identify the television. Therefore, the Davies patent cannot suggest a remote controller that can receive feedback from the multiple televisions and that can determine which of the televisions fails to provide feedback.

The Ben-Ze'ev patent discloses that first and second televisions can be remotely controlled by the same remote controller. However, the Ben-Ze'ev patent does

not establish a need either for transmitting the claimed confirmation signals from the plural televisions (or, for that matter, from a single television) or for determining which of the plural televisions fails to transmit a confirmation signal that indicates that the operational status of the television has changed as commanded. Therefore, the Ben-Ze'ev patent cannot suggest determining which of plural televisions fails to transmit such a confirmation signal.

Accordingly, the Davies patent and the Ben-Ze'ev patent do not suggest to one of ordinary skill a remote controller that receives confirmation signals from multiple televisions indicating that the televisions have changed operational status as commanded and that is capable of determining which of the multiple televisions fails to provide such a confirmation signal. Therefore, neither the Davies patent nor the Ben-Ze'ev patent suggests the invention of claims 31-47 to one of ordinary skill in the art.

Therefore, because the Examiner has not established a *prima facie* case for obviousness, and because the Davies patent and the Ben-Ze'ev patent themselves do not establish a motivation for their combination that would produce the inventions of claims

31-47, claims 31-47 are patentable over the Davies patent
in view of the Ben-Ze'ev patent.

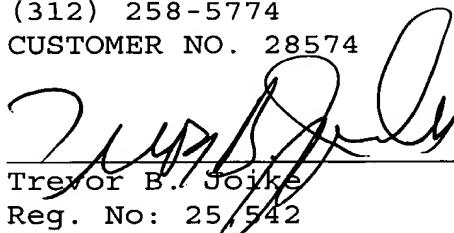
CONCLUSION

In view of the above, it is clear that the claims of the present application patentably distinguish over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the above captioned patent application are respectfully requested.

Respectfully submitted,

SCHIFF HARDIN LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 258-5774
CUSTOMER NO. 28574

By:


Trevor B. Soike
Reg. No: 25,542

March 6, 2006